

REMARKS

The specification is being amended at paragraph [0024] which begins at page 7, line 10 to include the exact wording of original claims 1, 8, and 12. These claims are a part of the original disclosure. No new matter has been added. The title at page 12, line 9 is being amended to correct a typographical error. Support resides on page 13. No new matter has been added.

Submitted herewith, under 37 C.F.R. §1.132, is the declaration of Norman L. Holy, which is being offered to traverse several rejections and objections and to provide testimony on the knowledge level of one of ordinary skill in the relevant art in support of said traversals. The Holy recitation of extrusion manufacture of filaments is not inconsistent with the background of the invention recited by the Examiner's reference Sartori at col. 1, lines 39- 50.

1. Claims 8-12, 19-23 and 27 stand rejected under 35 U.S.C. §112, second paragraph, and are alleged to contain subject matter not described in the specification in an enabling manner. This rejection is TRAVERSED. The Declaration of Norman Holy is offered to rebut the Examiner's allegation. The amendments to claims 8-12, 19-21, 23 and 27, and the cancellation of claim 22 herein render this rejection as moot.

2. Claims 12, 19 and 27 stand rejected under 35 U.S.C. §112, second paragraph, for use of the terminology "amorphous" [polypropylene] and "non-amorphous" [polypropylene]. This rejection is TRAVERSED. The Declaration of Norman Holy is offered to rebut the Examiner's remarks. The amendments to claims 12, 19 and 27 herein deleting this terminology renders this rejection as moot.

3. Claims 19, 21, and 22 stand rejected under 35 U.S.C. §112, second paragraph, as the specification is alleged to fail to disclose the recited limitations of a mix of PP and PE including

amorphous PP. This is TRAVERSE. Claim 22 has been cancelled. The amendments to claims 19 and 21 herein render this rejection as moot.

5. Claim 27 stands rejected under 35 U.S.C. §112, second paragraph, as the specification is alleged to fail to disclose a mix of about 15 wt% PE and about 70 wt% non-amorphous PP and about 15 wt% amorphous PP. The amendment to claim 27 herein renders this rejection as moot.

6. Claims 18-23 and 25 stand rejected under 35 U.S.C. §112, second paragraph, for the phase in which the tensile strength is decreased by more than about 50%. This is TRAVERSE. The amendments to claims 18-23 and 25 herein render this rejection as moot.

7. Claims 26 and 27 stand rejected under 35 USC 102(e) as anticipated by Sartori et al (US 6657033). The amendments to claim 27 herein render this rejection moot as to that claim.

As to the anticipation of claim 26, this rejection is TRAVERSE.

The purpose of the Sartori invention is to provide thermal bondable fibers. Sartori's purpose and structure is non-analogous to applicant's purpose and structure as applicant is not concerned with thermal bondable fibers. There is no bonding of applicant's fibers to make product such as yarn or rope. Applicant's fibers are twisted to make yarn which is in turn twisted to make rope.

Primarily, Sartori is concerned with making non-woven plastic cloth for hygiene use. The Examiner is referred to col. 2, lines 13-19.

... "This is very important to enhance the self-crimping effect of the fiber. The so obtained high level of self-crimping induces bulkiness in the final nonwovens with higher soft feeling. Also the higher softness contributes, with the soft touch, to improve the final nonwoven quality, in particular for the hygiene applications where the market appreciates very soft nonwovens with clothlike appearance."

This structure has no relation to the invention recited by claim 26. Moreover, Sartori is concerned with increasing the tensile strength at yield of his thermoplastic product. Col. 2, lines 54-61. Sartori uses peroxides to chemically degrade polymeric materials to enhance their bonding properties. Sartori treats his manufactured fibers with the chemical degradation material. See col. 4.

Contrary to Sartori, applicant is concerned with decreasing the tensile strength of his product rope. Sartori must be considered to teach away from the present invention.

While Sartori does discuss experiments in making roving (twisted strands of yarn), and then in making twisted rope from the yarn, his concern is heat bonding and the effects in improving separation strength. In so doing, Sartori heat bonds his twisted product together using a Bruggel thermal bonding machine then tests the force necessary to separate the heat bonded structure, i.e., to pull the bonded strands apart from one another. See col. 9, lines 11-23.

Ultimately, even with rope, Sartori's process focuses on the softness of the product. Col. 9, lines 53- 59. While the Examiner has relied upon Sartori at col. 6, lines 8-12, there is no disclosure which anticipates the present invention:

For Sartori to anticipate claim 26, each and every limitation must be taught and the interconnection on limitations must likewise be taught. Claim 26 recites a seaworthy rope of uniform diameter throughout its length where the thermoplastic material is a mix of PP having a MFR<15g/10 min. and PE having an MFR>50g/10min. and with particles dispersed evenly throughout, wherein the tensile breaking strength of the rope is at least 25% less than an equal rope without particles. Sartori does not teach the entirety of these recited limitations.

Thus the standing 35 USC 102(e) rejection bases upon anticipation by Sartori cannot be sustained and should be withdrawn.

8. The rejection of claim 1 under 35 USC 103(a) in view of Satori was withdrawn by the Examiner during a telephone interview on January 8, 2007.

9. Claims 1-6, and 18 are rejected under 35 USC 103(a) as obvious in view of Morris et al. (US 3,697,474) when read with Anderson et al. (US 5,913,670). This rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so. The amendments to claims 1-6 and 18 herein render this rejection as moot.

10. Claims 8-12, 19-23, and 27 are stand rejected under 35 USC 103(a) as obvious in view of Morris when read with Anderson and Lamb et al. 3,705,074). This rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so. The amendments to claims 8-12 and 18 herein render this rejection as moot.

11. Claim 25 stands rejected under 35 USC 103(a) as obvious in view of Morris when read with Anderson and Bastiaansen et al. (US 4,938,911). This rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so. The amendments to claim 25 herein render this rejection as moot.

12. Claim 18 stands rejected under 35 USC 103(a) as obvious in view of Morris when read with Anderson. The rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so. The amendment to claim 18 herein renders this rejection as moot.

13. Claims 19-23 stand rejected under 35 USC 103(a) as obvious in view of Morris when read with Lamb. This rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so. The amendment to claims 19-21 and 23, and the cancellation of claim 22 herein render this rejection as moot.

14. Claim 25 stands rejected under 35 USC 103(a) as obvious in view of Morris when read with Bastiaansen. This rejection is TRAVERSED as these references cannot be operatively

combined and there is no suggestion nor incentive to do so. The amendment to claim 25 herein renders this rejection as moot.

15. Claim 26 stands rejected under 35 USC 103(a) as obvious in view of Sartori when read with Morris. This rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so and for the reasons given above on the failure of the teachings of Sartori.

16. Claim 27 stands rejected under 35 USC 103(a) as anticipated by Morris when read with Lamb and Sartori. This rejection is TRAVERSED as these references cannot be operatively combined and there is no suggestion nor incentive to do so and for the reasons given above on the failure of the teachings of Sartori. The amendment to claim 27 herein renders this rejection moot.

Applicant has amended his claims to be more specific to the language and parameter limitations disclosed in his specification. It believed that these amendments overcome all of the standing rejections regarding each of the claims. Claim 26 has not been amended.

Applicant urges that the amendments to claims 1-6, 8-2, 18-21, 23, 25, and 27 have now placed those claims in condition for allowance. Applicant further urges that the rejection of claim 26 must now be withdrawn.

Applicant wishes to thank the Examiner for the short telephone interview in which the standing § 103(a) rejection of claim 1, based upon Sartari, was withdrawn.

Should any lingering issue remain, the Examiner is invited to telephone applicant's attorney to discuss an Examiner's amendment which would solve the issue. It is requested that the application be passed to issue with the claims as presented herein.

Respectfully submitted,
Paul & Paul

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